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ABSTRACT

Current trends in psychological research stress the role of family members in developmental studies, and this trend may be applied to the study of divorce and child custody in Japan. Japanese families are influenced by other social systems, including neighborhood and religious groups, and traditionally these systems have combined with relatives to support families with marital problems. However, the Japanese family has recently moved from the structure of the extended family to that of the nuclear family, and cohesive support networks are disappearing. At the same time, the Japanese divorce rate is rising. Reasons for the rise include: (1) a decrease in social pressures against divorce; (2) a weakening of the social support systems; (3) an improvement in the socio-economic conditions which follow divorce; and (4) the fact that the very large baby boom generation has reached divorceable age. Nevertheless, the Japanese divorce rate remains the lowest among developed countries, even though it is easy for most couples to get divorced. As for child custody, until the mid-1960s the father traditionally retained the child. Now more mothers are granted custody, often because the mother is able to financially support the child, while the father lacks the resources of an extended family. Joint custody is becoming more frequent, but is still uncommon. Family psychologists suggest that intervention and educational activities may be used to ease problems of children of divorce. (SKC)

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FAMILY-PSYCHOLOGICAL APPROACH TO DIVORCE AND CUSTODY ISSUES IN JAPAN

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My topic is family-psychological approach to divorce and custody in Japan. I would like to explain, first of all, about family-psychological approach, because family psychology is an emerging frontier in psychological sciences. As Professor Edward Zigler, Yale University, pointed out, psychologist has historically been largely concerned with the individuals and only recently have begun to consider the significance of family member as agents of influence on the individuals. For example, in developmental psychology, the primary subject of study was the child himself, and then the mother/child dyad. Later, psychologists began to study the role of the father as an important determinant in the child development. Further, other family members--siblings and grandparents, were added to this influential relationship. So the family as the system has become a primary focus of psychological investigation. By psychologists doing such an investigation, the association of family psychology was founded in Japan in 1981 . In the U.S.A. the association of family psychology was founded as the division 43 of the American Psychological Association in 1985.

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Family does not exist in isolation but at the intersect of other social systems-- the schools, the community, the health system, the mass media and government at all levels. A Japanese family is also influenced by these social systems. Traditionally, there seems to be a belief in Japan that people relate with each other by the three "En" (fatal bond) , such as the "Ketsu-En" (the blood bond of family and

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relatives), the "Chi-En"(the bond of neiborhood), and "Sya-En" (the bond of the work or religious group to which a person belongs). When a person finds a psychological problem, he may ask firstly a head or someone dependable within "Ketsu-En" circle or network to help. If impossible, then, he may seek a friend or an elder person in his "Chi-En" or "Sya-En " circles for his help. Obviously, the three En's supportive system had taken care of the family with a problem which must be resolved, up to the mid-sixties.

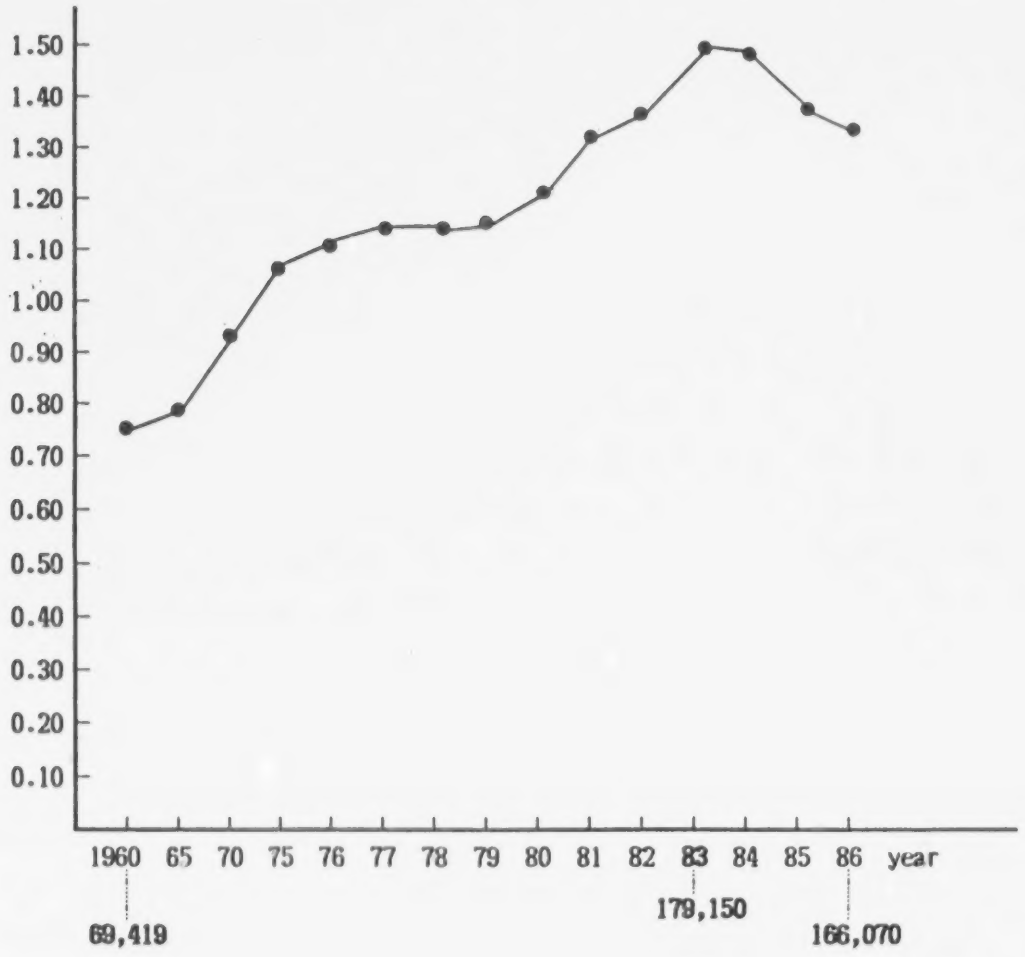
The structure of Japanese family has rapidly changed to a nuclear family from an extended family for twenty years recently. Gradually, the cohesive and mutually supporting system of "En" has so disorganized, that it is loosing a strong helping power. Then, Japanese families have been increasingly confronted with many difficulties in daily living ; child rearing and separation issues, school phobia and school refusal, juvenile delinquency and intra-familial violence by adolescent, psychological divorce-in-family among the middle-aged couples, or divorce and custody problems and so forth.

RECENT TRENDS OF DIVORCE

Now, let me describe about general divorce trends in Japan . The total number of divorces as well as the crude divorce rate had incresed since 1965 and reached to the peak of 1983 as shown at Fig. 1. There seems to be several causes for these increases. Firstly, social pressures against divorce have been weakened since the end of the World War 2. As I mentioned before, Ketsu-En system is becoming too weak to stay a couple together. Secondly, socio-economic conditions after divorce have been more improved by rapid growth

in Japanese economy than ever before. Thirdly, the most dominant determinant seems to be a demographic one. The first baby boom people got reached to the divorceable age. Then, the overall divorce rate has been slightly decreased since 1984.

FIGURE 1 : ANNUAL CHANGE IN CRUDE DIVORCE RATE



However, the divorce rate is obviously smaller than those in the United States and European countries (see Table 1). The lowest divorce rate in Japan among the developed countries might be indicated that the sense of family identity still remains so powerful as to keep spouses from divorce. In the shadow of this trend, it should be noted that

psychological divorce-in-family has been increased recently, according to family therapists' observations.

TABLE 1
DIFFERENCES IN CRUDE DIVORCE RATES

Countries	Year	Crude Divorce Rate
USA	1983	5.04
USSR	1983	3.47
ENGLAND	1982	2.94
DENMARK	1983	2.89
SWEDEN	1983	2.40
NETHERLAND	1983	2.27
FRG	1982	1.92
FRENCH	1980	1.71
JAPAN	1984	1.50

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Divorce in Japan is legally divided into four types; divorce by consent, divorce by conciliation, divorce by determination and divorce by judgment. Table 2 shows the number of cases attributed to the respective types of divorce.

TABLE 2
TYPES OF DIVORCE IN JAPAN

Types of Divorce	Number	%
Consent	163,209	91.3
Conciliation *	13,617	7.8
Determination *	63	0.0
Judgment**	1,857	1.0
Total	178,746	100.00

* Family Court
** District Court

Divorce by consent, as the dominant type, is effected only by notifying the registration office whenever both

husband and wife get agreed to divorce. It is the simplest procedure of divorce in the world. Without any conditions or official checks imposed, then, it is always around 90 % of the total divorces.

A couple that cannot reach the agreement of divorce will ask family court to get divorce by conciliation through the mediation of a Conciliation Committee. This type of divorce has shown about 8 % of the total.

Divorce by determination, the third type of divorce, involves a judge of the family court for special cases.

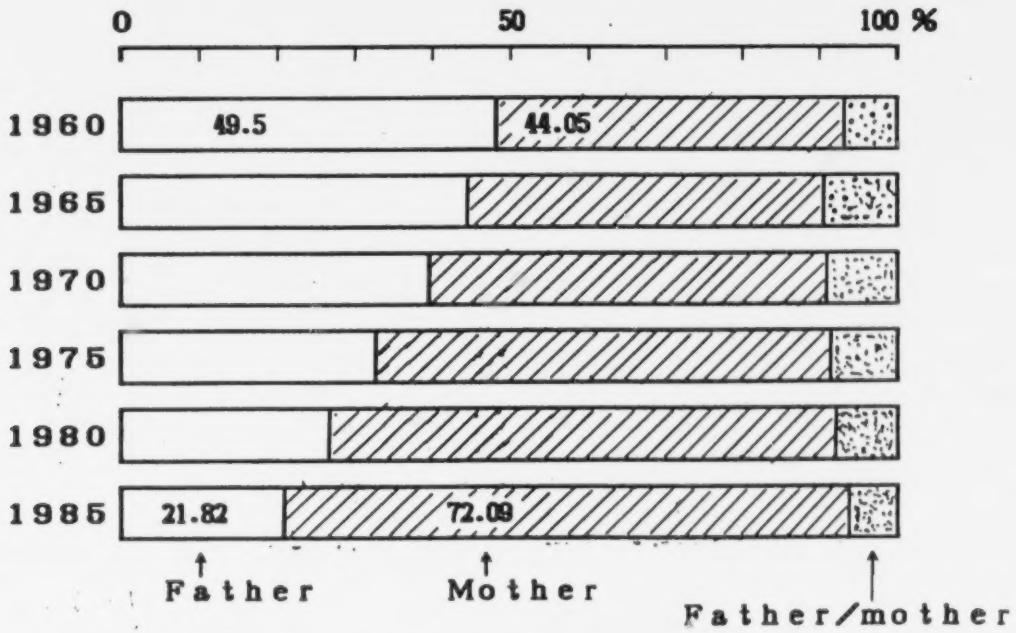
Only in the case that divorce cannot be settled by any procedures mentioned above, a husband or a wife will ask general district court to start a suit for divorce. This procedure seems to be identical with the common process for divorce in European countries. Anyway, divorce by judgment has occupied only 1 % of the total cases in a year.

INCRESING NUMBER OF MOTHERS' CUSTODY CASES

As custody of children was granted to the father only until 1947 when the Civil Law was amended, children were used to be put under their father's care and custody. According to the amended Civil Law, custody can be granted to either of the parents, based on parental agreement or court judgment. Until the mid-sixties, however, the cases the father was granted the parental rights and took care of children had outnumbered the cases the mother was. It might be due to mother's financial inability to bring up children.

In 1966, the condition of custody issue reversed. Since then, the number of cases the mother exercises parental rights has seemingly increased as shown at Fig. 2.

FIGURE 2 : INCREASING MATERNAL CUSTODY CASES



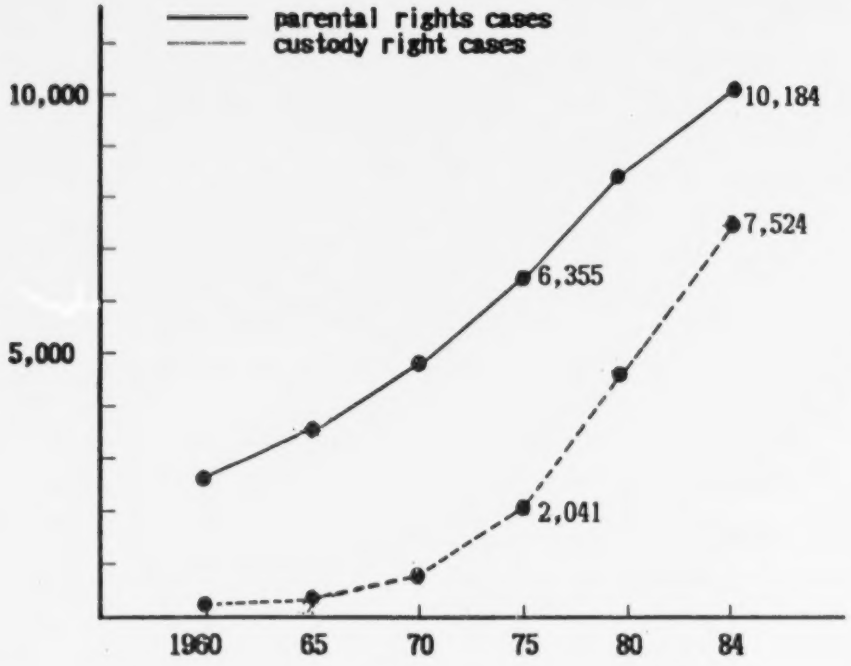
The custody cases by mother have been increased, perhaps due to some socio-cultural factors as follows.

1. loosing a belief that father as the head of the houshold must take care of children, as children belong to the Ie.
2. increasing nuclear families without grand parents. Working father cannot nurture children without grandmother's help.
3. expanding the social security system for divorced mother.

At the same time, the number of the petitions for custody and parental rights at family court has rapidly increased as shown at Fig. 3. For example, the number of the custody cases increased from 251 in 1965 to 7,524 in 1984. The parental rights cases also were counted 3,651 in 1965 but 10,184 in 1984. This trends means that children have become more involved in parental conflicts even after divorce than before.

In recent few years, more than two hundred thousand children a year get involved in their parental divorces, and

FIGURE 3 : INCRESING PETITIONS for CUSTODY and PARENTAL RIGHTS CAESES at FAMILY COURTS



effectively they lose one parent anyway(see Table 3). Before the parents finally decided to divorce, they had often fought and argued against each other. Under these stressful situations, children became confused by the disappearance of a parent without notice, or suffered from even the agreed

TABLE 3
THE NUMBER OF DIVORCE CASES AND CHILDREN
(under the age of 20)

Year	Divorce Cases	The Number of Children		
		only one child	two children	three or more
1960	40,457	20,993	11,507	7,957
1965	44,963	24,372	14,068	6,523
1970	56,683	31,374	19,317	5,992
1975	74,667	38,412	27,984	8,272
1980	95,755	41,829	40,756	13,170
1984	124,536	50,367	54,445	19,724

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separation. Parental argument about which of them will take care of the child might be given him a serious sense of unease as well as a severe feeling of deprivation. Obviously in some cases after divorce, the parent and child can live a stable living freed from parental discord and maltreatment. Some children get more independent than earlier.

However, in many cases children cannot legally meet the parent left home as a result of divorce, partly due to no provision for visitation right in Japanese Civil Law. Recently, some judges and caseworkers at family court are eagerly trying to give parents a chance of joint custody for the guarantee of child welfare (Tanigawa & Shinoda, 1986). Even if there are still few joint custodial parents, they are asking a non-custodial parent for making good use of reasonable visitation rights. Then, they expect joint custodial parents will increase through casework or mediation activities at family court in Japan.

CONCLUDIND NOTE

In conclusion, I would like to mention that family-psychologists have just begun to consider the significance of participating into the process of divorce and custody, as there are some important problems in our divorce system in terms of child welfare. I will propose some family-psychological interventions and educational activities, as follows,

1. premarital education and counseling for preventing immature and unhealthy marriage,
2. psycho-social education programs related to family-developmental stages for learning of an adequate and optimal way of child-rearing and so forth.

3. family therapy or counseling must be provided to the family with socio-psychological conflicts between the members.

4. divorce therapy or counseling must be given to the couple by family psychologist, before they decide to divorce.

5. at the same time the couple must try to consult with family psychologist on the welfare of their children. Therefore, divorce mediation must be recommended for the joint custody.

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